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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,413	12/22/2000	Hidenori Takata	35.C15009	8023

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EXAMINER

BONZO, BRYCE P

ART UNIT PAPER NUMBER

2114

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,413

Applicant(s)

TAKATA, HIDENORI

Examiner

Bryce P Bonzo

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

NON-FINAL OFFICIAL ACTION

Status of the Claims

Claims 1-6 have been cancelled.

Claims 17-21 are rejected under 35 USC §103.

Objections to the Claims

Claim 17 is duplicated in its entirety within the claim 17 heading. Applicant is required to correct this minor error.

Claim 17, line 12 recites "ford." Applicant is required to correct this minor error replacing it with "for."

Rejections under 35 USC §103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno (United States Patent No. 5,943,650) in view of Ono (United States Patent No. 5,909,023).

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As per claim 17, Kanno discloses:

17. (New) A software battery information management apparatus connected to a client terminal via a network, said apparatus comprising:

a first key creation means for creating a first key for a session management in response to a request from said client terminal (column 11, lines 31-33);

transmission means for transmitting said created first key to said client terminal (column 11, lines 34-37);

a first reception means for receiving said first key, a second key, and information of remaining amount of a battery from said client terminal (column 11, lines 41-46);

judging means for judging if said first key matches with said second key (column 11, lines 41-46);

battery issuance means for issuing battery addition information for said client terminal in response to the judged result (column 11, lines 46-47);

log information creation means for creating log information (column 11, lines 7-14).

Kanno does not explicitly disclose:

a second reception means for receiving confirmation information of charging of a battery from said client terminal (Ono, column 8, lines 6-24, and

log information creation means for creating log information *based on said confirmation information of charging a battery* (Ono, column 8, lines 6-24).

Ono discloses the details of how an online purchase at the time of invention was carried out as shown above. Kanno clearly has an interest in preserving a back-up copy of a software battery information as shown above. Ono provided a back-up methodology via a purchase history log which does not update until a user confirms the purchase, thus preventing the logging of a purchase which aborted. At the time of invention the aborting of online transactions during a session was prevalent due to low the bandwidth available on modems and large bandwidth required by secure, encrypted purchasing. Not logging the purchase until after the buyer had confirmed the purchase avoided the problem of connection drops resulting the addition of invalid entries into a purchase history. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the online purchase logging system of Ono into the battery purchasing system of Kanno, thereby creating a more fault resistant logging system.

As per claim 18, Kanno discloses:

wherein the remaining battery is decreased in accordance with an increase of an execution amount of software (column 6, lines 46-54).

As per claim 19, Kanno discloses:

wherein the remaining battery amount is decreased in accordance with an increase in execution time of software (column 6, lines 46-54).

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Claim 20 is the method of managing a software battery embodiment of previously presented claim 17 and is therefore rejected on the same grounds.

Claim 21 is the method of managing a software battery embodied on a computer readable medium of previously rejected claim 17 and is therefore rejected on the same grounds.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (571)272-3655. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryce P. Bonzo
Bryce P. Bonzo
Patent Examiner
AU 2114